

REMARKS

The amendment of claim 1 is supported by page 5, line 17 of the specification and original claim 7. New claims 21-23 are supported by paragraph [0012] of the specification. New claim 24 and is supported by paragraph [0031] of the specification.

Claim 6 was rejected under 35 USC 112, second paragraph. This rejection is respectfully traversed and should be withdrawn in light of the amendment of claim 6 as proposed by the Examiner.

Claims 1-6 and 8-10 were rejected as being anticipated by JP 2001-283428. This rejection is respectfully traversed and should be withdrawn as claim 1 now includes the limitation of claim 7.

Claim 7 was rejected as being obvious over JP 2001-283428 in view of Bertero. This rejection is respectfully traversed.

JP 2001-283428 fails to disclose “a substrate, a soft magnetic underlayer, a Cu-containing seedlayer directly on the soft magnetic underlayer, a RuCr_x -containing interlayer having $15 \leq x \leq 50$ on the seedlayer and a magnetic recording layer in this order.” The Examiner has treated the Ti-containing layer 63 in Figure 7 of JP 2001-283428 as the seedlayer. JP 2001-283428 fails to disclose or suggest a “Cu-containing seedlayer” and also clearly states in paragraph [0009] that “the first layer uses Ti or Ti [sic] as a *principal* component.” [Emphasis added.] Persons of ordinary skill in the art would not have been motivated to substitute the Ti-containing first layer of JP 2001-283428 as the combination of the Ti-containing first layer and a “second substrate layer [which] is the alloy which uses as a principal component the ingredient which has Ru and body-centered cubic structure” (see paragraph [0010] of JP 2001-283428) *are required* in the perpendicular magnetic recording medium of JP 2001-283428 in order to “rais[e] the perpendicular orientation by improving a lattice mismatch with a magnetic layer and controlling turbulence of crystal at the time of initial growth of the magnetic layer *by such configuration*” Clearly, it would have been *imperative* in JP 2001-283428 to maintain the configurations of the first Ti-containing layer and

second Ru-containing layer to raise the perpendicular orientation by improving a lattice mismatch with a magnetic layer and controlling turbulence of crystal at the time of initial growth of the magnetic layer. Bertero too fails to disclose "a substrate, a soft magnetic underlayer, a Cu-containing seedlayer directly on the soft magnetic underlayer, a RuCr_x -containing interlayer having $15 \leq x \leq 50$ on the seedlayer and a magnetic recording layer in this order."

Please note that the thickness of the Ti-containing layer of JP 2001-283428 is 12 nm in the second and third embodiments of JP 2001-283428 (see paragraphs [0026] and [0029]) unlike "less than 3 nm" as recited in claims 4 and 21. JP 2001-283428 fails to disclose that the seedlayer has thickness of less than 3 nm.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 146712005100.

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Respectfully submitted,

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